

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SHANE LAVIN, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

VIRGIN GALACTIC HOLDINGS, INC., MICHAEL
A. COLGLAZIER, GEORGE WHITESIDES, DOUG
AHRENS, JON CAMPAGNA,

Defendants.

Case No.: 1:21-cv-03070-ARR-TAM

NOTICE OF MOTION

Oral Argument Requested

PLEASE TAKE NOTICE that upon the accompanying Declaration of Kevin M. McDonough, dated February 24, 2023, the exhibits attached thereto, the accompanying Motion to Seal, and the accompanying Memorandum of Law, Defendants Virgin Galactic Holdings, Inc., Richard Branson, Chamath Palihapitiya, George Whitesides, and Michael Colglazier will move this Court before the Honorable Allyne R. Ross, United States District Judge for the Eastern District of New York, at the United States District Court, 225 Cadman Plaza East, Brooklyn, New York, for an order dismissing the Second Amended Complaint with prejudice pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6).

PLEASE TAKE FURTHER NOTICE that pursuant to the Order entered on December 22, 2022, answering papers shall be served on or before March 31, 2023, and reply papers shall be served on or before April 21, 2023.

Dated: February 24, 2022

Respectfully submitted,

/s/ Kevin M. McDonough

LATHAM & WATKINS LLP

Kevin McDonough
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 906-1246
Facsimile: (212) 751-4864
Email: kevin.mcdonough@lw.com

Michele D. Johnson (*pro hac vice*)
Kristin N. Murphy (*pro hac vice*)
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626
Tel: (714) 540-1235
Fax: (714) 755-8290
Email: michele.johnson@lw.com
Email: kristin.murphy@lw.com

Attorneys for Defendants